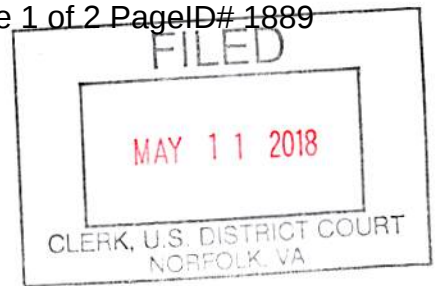


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division



J.D., by his father and next
friend, BRIAN DOHERTY,

Plaintiff,

v.

CIVIL ACTION NO. 4:17cv101

COLONIAL WILLIAMSBURG
FOUNDATION,

Defendant.

ORDER

This matter comes before the court on the Plaintiff's Motion for Leave to File a Reply ("Motion"), filed on April 30, 2018, to which the Defendant objects. ECF Nos. 77, 78. On February 9, 2018, this court referred the Defendant's Motion for Summary Judgment, ECF No. 19, to United States Magistrate Judge Robert J. Krask, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned district judge proposed findings of fact, if applicable, and recommendations for the disposition of the Motion for Summary Judgment. ECF No. 25. The Magistrate Judge filed the Report and Recommendation ("R&R") on March 27, 2018. ECF No. 66. By copy of the R&R, the parties were advised of their right to file written objections to the


findings and recommendations made by the Magistrate Judge. See id. at 33-34. On April 10, 2018, the Plaintiff filed objections to the R&R. ECF No. 68.¹ On April 24, 2018, the Defendant filed a response in opposition to the Plaintiff's objection. ECF No. 75. In the instant Motion, the Plaintiff seeks leave to file a reply brief, with exhibits, which totals over thirty-five (35) pages.

Federal Rule of Civil Procedure 72(b) does not contemplate replies to responses to report and recommendation objections. See Fed. R. Civ. P. 72(b)(2). Further, the court is in agreement with the Defendant's reasoning, i.e., the court itself reviews the factual and evidentiary record and does not need further argument on the interpretation of such facts and evidence. In point-of-fact, the Plaintiff's reply brief, which includes duplicative exhibits, adds nothing of merit or substance to the record that is not already there.

Accordingly, the court hereby **DENIES** the Motion. The Clerk is **DIRECTED** to send a copy of this Order to counsel for all parties.

IT IS SO ORDERED.

/s/
Rebecca Beach Smith
Chief Judge


Rebecca Beach Smith
Chief Judge

May 10, 2018

¹ The Defendants have also filed an objection to the R&R. ECF No. 71. However, that objection is not relevant to the instant Motion.